

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No.88 of 2003

Jabalpur, this the 17th day of February, 2003.

Hon'ble Mr.R.K.Upadhyaya, Member (Admnv.)

1. Wren Paul S/o late Shri P.J. Paul, Sub Post Master, aged about 43 years, R/o 271, Gorakhpur, Jabalpur.
2. A.K.Gupta S/o Shri P.C.Kesarwani aged about 42 years, Postal Assistant, R/o H.No.262/D, Street No.7, Sadar Bazar, Jabalpur.
3. Sunil Jain S/o Shri Sugam Chand Jain, Postal Assistant, aged about 43 years, R/o 471, Hanumantal Lal Koowa, Jabalpur.

-APPLICANTS

(By Advocate- Mr.S.Paul)

Versus

1. Union of India through its Secretary, Ministry of Communication, Department of Post, New Delhi.
2. The Member(P) Postal Services Department, Dak Bhawan, New Delhi.
3. The Director General, Postal Services Board, Dak Bhawan, New Delhi.
4. The Chief Post Master General, Chhattisgarh Circle, Raipur (C.G.)
5. Sr. Superintendent of Post Offices, Jabalpur Division, Jabalpur.

-RESPONDENTS

O R D E R (ORAL)

The applicants are aggrieved by the order dated 3.2.2003 (Annexure A-1) by which they are directed to join back to their old place of posting immediately, who were transferred by earlier order dated 9.1.2003 (Annexure A-3).

2. It is pointed out by the learned counsel of the applicants that in pursuance to the order dated 9.1.2003

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(Annexure A-3) the applicants had joined respective places of their posting. Apprehending that some order might be passed in pursuance to order dated 20.1.2003 (Annexure A-2), the applicants had filed OA No.58/2003, which was disposed of by order dated 31.1.2003 (Annexure A-5), in which the following directions were issued:-

"3. After hearing the learned counsel for the applicants and after perusal of the records, it is held that the apprehension in the minds of the applicants is uncalled for in as much as the impugned order dated 20.1.2003 has not been communicated to any of the applicants so far and in any case they have already complied with the transfer order dated 9.1.2003 (Annexure A-2). The question of being relieved and keeping their transfer order in abeyance does not arise. Once a transfer order issued on 9.1.2003 has been executed and complied with by the applicants, no further action in respect of that transfer order so far as the applicants are concerned, remains to be done. In this view of the matter, this application is disposed of at the admission stage itself."

3. However, it is claimed that in disregard to the orders of this Tribunal, the impugned order dated 3.2.2003 (Annexure A-1) has been passed by which the applicants have been asked to join back their respective places of duty from where they were transferred.

4. After hearing the learned counsel of the applicants and after perusal of the records, it appears that this situation has arisen because of some delay in communication of the order of this Tribunal dated 31.1.2003 (Annexure A-5). Perhaps the impugned order dated 3.2.2003 (Annexure A-1) passed had the order of this Tribunal was ^{it} might not have been communicated promptly by the respondents. However, it is noticed that the applicants ^{have} already moved representations dated 8.2.2003 to the Chief Post Master General, Chhattisgarh Circle, Raipur through the Senior Superintendent Post Offices, Jabalpur Division, Jabalpur (Annexure A-6) requesting for review of their order dated 3.2.2003 in the light of orders of this Tribunal

*dated 31.1.2003 (Annexure A-5). On the facts of this case, it will be desirable that the representation dated 8.2.2003 (Annexure A-6) is disposed of by the respondents No.4 and 5 taking into the orders of this Tribunal dated 31.1.2003. Without expressing any opinion on the fresh claim of the applicants in the present O.A., the applicants are directed to send copy of this order to respondents No.4 and 5 within a week from today. In case, the applicants comply with our directions, the respondents No.4 and 5 are directed to pass a reasoned order within a period of four weeks from the date of receipt of copy of this order and communicate the same promptly to the applicants. The respondents are further directed that the applicants may not be compelled to comply with the order dated 3.2.2003 (Annexure A-1) pending consideration of their representations by respondents No.4 and 5.

5. This O.A. is disposed of with the directions as in the preceding paragraph at the admission stage itself.

(Signature)

(R.K.Upadhyaya)
Member (Admnv.)

पृष्ठांकन सं ओ/यस.....जयपुर, दि.....

पतिलिपि: जारी किया:-

- (1) सचिव, जयपुर नगरपालिका, जयपुर
- (2) अध्यक्ष, जयपुर नगरपालिका, जयपुर
- (3) पञ्चम, जयपुर नगरपालिका, जयपुर
- (4) वरिष्ठ, जयपुर नगरपालिका, जयपुर

सूचना एवं आवश्यक कार्यवाही हेतु

(Signature)
उप-सचिव
17/2/03

S. Patel, H.C.
R.D. No 4 & 5 - with p.c.

Issued
on 17.2.03
BS